

**Massachusetts Habitat Conservation Plan for Piping Plover
Request for Amended Certificate of Inclusion on Plymouth Long Beach
Public Comments**

Comment 1: In the superseding order of conditions for Plymouth Long Beach it specifies (27), “In order to allow sufficient wrack to accumulate to provide an adequate food source for plover chicks, not less than five days prior to the anticipated hatching date of the plover nest the travel corridor shall be closed 100 yards north and south of the nest.” Are there plans to amend the Conditions to allow for the destruction of wrack and food source for plover chicks?

DFW Response: There are no plans to amend the Conditions. The area will be closed at least 5 days in advance of the anticipated hatch date to allow for sufficient wrack to accumulate.

Comment 2: The COI calls for smoothing tire ruts once a day at the end of the day. I think they should be smoothed following each hour of vehicle passage. Otherwise, there will be many hours of the day (minimally from 9 a.m. to 6 p.m. – 9 hours) when chicks could be impeded by ruts and have difficulty moving around their foraging area.

DFW Response: The COI requirement to smooth ruts once daily follows the impact minimization requirement specified in the HCP and approved in the Incidental Take Permit issued to DFW. The Town of Plymouth proposes to meet this HCP requirement which is designed as a practical approach to minimize risk.

Comment 3: Point 3: The COI states that ruts will be hand-raked, and then mentions mechanized raking. Mechanized raking is not allowed in this management zone and mention of it should be removed from the COI.

DFW Response: Removal of wrack is prohibited in section 8.3 in the 1998 Beach Management Plan and amended Order of Conditions (OOC). However, there is no language that prohibits the use of mechanized raking, which may be used to smooth tire ruts only. No wrack will be removed.

Comment 4: A shorebird monitor may well have trouble following four chicks. As he or she watches one another could easily move out of view. I think it will be difficult, if not impossible, for him or her to say with certainty the majority of the time that all chicks are 50 feet or more distant from the travel corridor. This means that traffic will need to stop until the monitor is able to locate all chicks.

DFW Response: The shorebird monitor responsible for observing the chicks during vehicle escort windows must remain a safe distance away to minimize disturbance to the brood. Although the shorebird monitor will halt traffic if the chicks approach within 50 ft, an extra layer of protection is provided by the self-escorts who are responsible for looking for chicks near or in the corridor and stopping traffic if a chick(s) is observed. Refer to section 4.3.1 *Basic Procedures for Self-Escorting* for detailed information on the protocols.

Comment 5: In terms of the mandatory self-escort – the COI should specify that each self –escort permit is issued to a specific person (who has gone through the training), not a vehicle as is the 4x4 beach permit.

DFW Response: This language will be added to the COI. The staff person who is at the entrance to the OSV corridor will check the identification of the vehicle operator along with the self-escort permit to ensure the operator has attended the mandatory self-escort training.

Comment 6: There is no explanation given about what the plan is if vehicles are prevented from returning from the beach due to chicks in or near the vehicle corridor and a high tide is approaching that will extend up to the symbolic fencing. What will happen? Will the vehicles have to stay where they are and become inundated? Will the beach-goers be allowed to drive into the fenced area? Will the chicks be “herded” from the corridor area to allow vehicles to pass? This eventuality should be addressed.

DFW Response: Tides are closely monitored and DFW authorizes adjustments to travel windows to address high tides if needed. In no event will vehicles be allowed to drive into the fenced areas. Chicks will not be “herded” from the corridor area to allow vehicles to pass.

Comment 7: I would like to comment on the barrier on Ryder Way to prevent least tern chicks from getting in the roadway. Based on my observations last year, this year, depending on sand movement over the winter, the high tide may come within a few feet of the barrier or closer, potentially drowning chicks or corralling them in a narrow area and making them more vulnerable to predators. There should be a contingency plan for high tides, especially those combined with storms or wind causing waves to extend even further up the beach.

DFW Response: There have been no accounts that we are aware of involving the tide coming close to or past the road in the section of beach where the barrier is located. If significant beach erosion does occur during the nesting season, gaps will be made in the barrier or the barrier will be removed completely.